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| <b>Notice of Allowability</b> | Application No.  | Applicant(s) |
|                               | 10/625,814       | CHENG ET AL  |
|                               | Examiner         | Art Unit     |
|                               | PHAN T.H. PALMER | 2874         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 07/22/2003.
2.  The allowed claim(s) is/are 1-17.
3.  The drawings filed on 22 July 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Phan T.H. Palmer*

PHAN T. H. PALMER  
PRIMARY EXAMINER

01/09/05

EXAMINER'S AMENDMENT *Am dt /pm/p*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- In claim 1, on line 5, "first though" changed to –first through✓;
- In claim 9, on line 5, deleted "the top can element"; ✓
- In claim 14, on line 1, changed "claim 14" to –claim 9✓; deleted "wherein" and inserted –further comprises the✓;
- In claim 15, on line 1, changed "claim 15" to –claim 14✓; and
- In claim 16, on line 1, changed "claim 16" to –claim 9✓; deleted "wherein" and inserted –further comprises✓.

REASON FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: the claims are allowable over prior art of record, because none of the references in alone or in combination discloses:

**A factory-settable optical subassembly for receiving a ferrule-held optical fiber, for use in an optical transceiver module, comprising:**

- an optoelectronic converter having an opening for passage of light;

- a top can element attachable to the optoelectronic converter and having a first through hole and a second through hole, the first through hole and the second through hole being in communication with each other; and

- a positioning element having a third through hole and the positioning element being received in the second through hole;

wherein the first through hole, the second through hole, the third through hole and the opening of the optoelectronic converter are arranged coaxially, and the positioning element can be moved along the axis of the second through hole and fixed in position such that, when the ferrule-held optical fiber is received through the first through hole and abuts against the positioning element, an end of the optical fiber will be at a proper focal distance from the optoelectronic converter to transmit a desired wavelength of light emitted by the optoelectronic converter at a maximum efficiency, as discloses in claims 1, 9 and 17.

The underline limitations are critically, since the device is improved: obtained different wavelengths of light are transmitted from the laser to the optical fiber with maximum optical power; reduced the damaged of the lens and degraded optical fiber during adjustment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**CONTACT INFORMATION**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHAN T.H. PALMER whose telephone number is (571) 272-2354. The examiner can normally be reached on 4/4 OFF MONDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RODNEY B. BOVERNICK can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTHP  
01/09/05

*Phan T. H. Palmer*  
PHAN T. H. PALMER  
PRIMARY EXAMINER